

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

YACHT WORKS, INC., for itself and  
others,

Plaintiff

v.

LAURA HELENE ANDRE INC.,  
In Personam

AND

S/V APACHE,  
her engines and equipment,  
In Rem

Defendants

CA 07 375 ML

CIVIL ACTION NO.

FILED  
OCT 09 2007  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

**PLAINTIFF'S MOTION TO APPOINT SUBSTITUTE CUSTODIAN**

NOW COMES the Plaintiff, Yacht Works, Inc., in the above entitled action, by its attorneys, Holbrook & Murphy, and respectfully moves this Honorable Court to allow the S/V APACHE to be kept by National Maritime Services, Inc. whose principal office is in Fort Lauderdale, Florida and that National Maritime Services, Inc. be appointed as substitute custodian thereof for the following reasons:

1. National Maritime Services, Inc. has a great deal of experience in these matters and will have personnel at the vessel at its present location at all times.
2. The requirement of maintaining a keeper on board the vessel 24 hours a day would serve no useful purpose and would create a substantial expense that would lessen the security of the plaintiff and others who may intervene.

3. The substitute custodian would free a Deputy United States Marshal or keeper for other matters requiring his personal attention.

*Granted. The court will conduct  
a hearing at 10:00 AM on Oct 18, 2007, to review  
the appointment of the substitute custodian.  
David L. Martin  
USMT OCT 9, 2007*

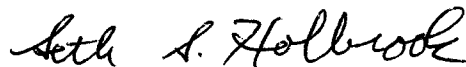
4. National Maritime Services, Inc. maintains adequate insurance coverage to protect the vessel for damages or loss while in its possession. National Maritime Services, Inc. is a disinterested party. See attached Standard Rate Schedule of National Maritime Services, Inc.

5. Plaintiff, Yacht Works, Inc., in consideration of the Marshal's consent to the substitution of custody, agrees to release the United States and the Marshal from any and all liability and responsibility arising out of care and custody of the defendant's vessel, her engines, tackle, apparel, furniture and all other necessities thereunto pertaining and belonging to said vessel over to said substitute custodian.

WHEREFORE, the Plaintiff prays that National Maritime Services, Inc. be appointed Substitute Custodian forthwith.

**YACHT WORKS, INC.**

By its attorneys,



Seth S. Holbrook, BBO # 5677

HOLBROOK & MURPHY

238-240 Lewis Wharf

Boston, MA 02110

(617) 428-1151

holbrook\_murphy@msn.com

# NATIONAL MARITIME SERVICES, INC

## COMMERCIAL VESSEL SERVICES AND RATE SCHEDULE

### Arrest & Custody Related Services/Charges

#### Coordination and Execution of the Arrest of Vessel & Inventory

One time charge: **\$1,500.00**

A deposit is required prior to arrest in the amount of the up front fee plus five days estimated charges. Any overpayment will be refunded after vessel is released. Once vessel is placed under arrest, the one time charge is non-refundable. This charge can vary based on the complexity of the assignment; call for estimate

Arrest Coordination Consulting or Negotiation **\$125.00 per hour**  
Charged if National Liquidators begins preparation and case is settled or arrest is canceled.

Investigation/Surveillance/Vessel Location **\$75.00 per hour**  
Minimum Charge, Domestic Assignments. International and extraordinary assignments by quote

U. S. Customs/INS Negotiations & Repatriation **\$125.00 per hour**

Operations Manager/Recovery Manager **\$125.00**

Shipping Agent **\$75.00 per hour**

Charged for duties other than what is normally handled for an arrest of a vessel.

USCG Licensed Captain/Engineer **\$65.00 per hour**

USCG Licensed Watch (Security) **\$19.50 per hour**

USCG Licensed Watch (Security) **\$425.00 per day/24 hr.**

Provisions, If not supplied on vessel (per person) **\$36.80 per day**

HAZMAT/Pollution or Salvage Technician **\$165.00 per hour**

### Shipping Services

Dockage at Port Facilities **Actual Charge<sup>1</sup>**

Outside Agency or Port Fees **Actual Charge<sup>1</sup>**

Custodian Fee **\$0.50 per foot/day**

Minimum daily fee is \$200. Minimum total \$1,000 on vessels in major ports requiring agent bonds. Custodian fee can exceed above on vessels 10,000 GRT or more or when foreign crew is aboard.

Tug/Pilot Charges **Actual Charge<sup>1</sup>**

Line Handler/Dock Hand/Mooring Charges **Actual Charge<sup>1</sup>**

Liability Insurance Surcharge per \$5 Million **\$25.50 per day**

Included on all vessels, over \$5 Million is available by quote and subject to carrier approval

Port Risk Insurance Surcharge (subject to placement) **\$0.15 per \$100/coverage<sup>1</sup>**

Optional; covers all port risk if vessel is otherwise uninsured. Charge is per month or any fraction thereof.

Communications Fee, Domestic **\$10.00 per day**

Communications Fee, International **\$20.00 per day**

Includes cellular phone, radio dispatch and satellite communications

Crew Payroll **Actual Charge<sup>1</sup>**

Fresh Water/Electric **Actual Charge<sup>1</sup>**

<sup>1</sup> plus 15% handling fee/10% on dockage charges